

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CELESTE WOOLEY, as Widow of the  
Decedent and as Personal Representative of the  
ESTATE OF VICTOR WOOLEY, and as  
Guardian and Next Friend of ANGELICA  
WOOLEY, ISABELLA WOOLEY, Michael  
Wooley, VICTOR WOOLEY III, and DANIEL  
WOOLEY, minor children;

Plaintiff,

vs.

TIMOTHY A. MEDICINE HORN JR.,  
Employee/Agent of Clear Trucking; and  
CLEAR TRUCKING,

Defendants.

**8:17CV342**

**ORDER**

This matter is before the Court upon its review of Plaintiff's Response to Order to Show Cause ([Filing No. 18](#)). Previously, the Court ordered Plaintiff to show cause for the failure to serve the defendants within 90 days pursuant to [Federal Rule of Civil Procedure 4\(m\)](#). ([Filing No. 16](#)). Counsel for Plaintiff represents she has been diligently attempting to perfect service on Defendants. ([Filing No. 18 at p. 4](#)). The record reflects several attempts to serve defendants, with the summons being returned unexecuted each time. Plaintiff requests additional time to serve the defendants and an order for service by United States Marshal or Deputy United States Marshal. ([Filing No. 18 at p. 2](#)).

Plaintiff was granted leave to proceed in forma pauperis on September 20, 2017. ([Filing No. 5](#)). Therefore, Plaintiff is eligible to request service by the a United States marshal or deputy marshal. See [Fed. R. Civ. P. 4\(c\)\(3\)](#)("At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal . . . The court must so order if the plaintiff is authorized to proceed in forma pauperis[.]"). Accordingly,

**IT IS ORDERED:**

1. Plaintiff's request for service by United States Marshal is granted. To obtain service of process on the defendants by the U.S. Marshal, Plaintiff must complete and return summonses forms and a USM-285 form for each defendant. Upon receipt of the completed forms, the Clerk of Court will sign the forms, to be forwarded with a copy of the Complaint to the U.S. Marshal for service of process.
2. Plaintiff shall have an extension of time to March 16, 2018, to complete service of process.
3. The show cause deadline is terminated.

Dated this 11<sup>th</sup> day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge